

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
 )  
Babatunde Oladapo Jinadu ) CASE NO. 17-67162-PMB  
 )  
 )  
DEBTOR. )

**CHAPTER 13 TRUSTEE'S  
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

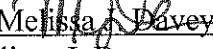
1. Debtor failed to attend the 11 U.S.C. Section 341 hearing.
2. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
3. The Debtor has failed to file an Employment Deduction Order.
4. Paragraph 10 of the proposed Chapter 13 plan either (1) fails to provide an interest rate to be applied to any allowed secured claims not treated specifically under the plan, preventing the Trustee from properly administering the plan, or (2) improperly crams down the interest rate to less than the current national prime interest rate. 11 U.S.C. Section 1325(a)(5)(B). *See Till v. SCS Credit Corp.*, 541 U.S. 465 (2004).
5. The Chapter 13 budget fails to provide for post-petition tax liability in the amount of \$400.00, and Debtor has failed to establish and provide proof of a tax escrow account, indicating that the Plan may not be feasible. 11 U.S.C. Section 1325(a)(6).
6. The Trustee requests proof that Debtor has made all required direct domestic support obligation payments in the amount of \$1,000.00 per month prior to confirmation. 11 U.S.C. Sections 1307(c)(11), 1325(a)(6) and 1325(a)(8).
7. The Trustee requests proof of the homeowner's association expense on Debtor's Schedules in order to determine whether the Plan complies with 11 U.S.C. Section 1325(a)(6) and 1325(b)(1)(B).

Melissa J. Davey, Chapter 13 Trustee  
Suite 200 – 260 Peachtree Street, N.W.  
Atlanta, Georgia 30303  
(678) 510-1444

8. In accordance with General Order Nos. 18-2015 and/or 22-2017 and the Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's \$2,250.00 per month employment income and \$3,365.00 per month business income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.

9. The Debtor proposes a \$1,823.00 per month plan payment and attorney's fees are \$3,265.00. The Debtor's counsel proposes to be paid up to \$3,265.00 in the initial post-confirmation disbursement with the balance paid at \$1,636.00 per month. This disbursement schedule may not be fair and equitable to all creditors and interested parties involved in this case. 11 U.S.C. Section 1325(a)(3), General Orders 18-2015 and/or 22-2017.

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.

  
\_\_\_\_\_  
/s/ Melissa J. Davey  
Melissa J. Davey  
Chapter 13 Trustee  
GA Bar No. 206310

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17-67162-PMB

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served:

DEBTOR(S):

Babatunde Oladapo Jinadu  
3706 Lockerbie Lane  
Powder Springs, GA 30127

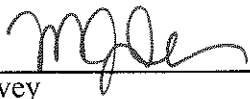
DEBTOR(S) ATTORNEY:

King & King Law L.L.C  
215 Pryor Street, SW  
Atlanta, GA 30303

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Thursday, November 30, 2017

/s/



Melissa J. Davey  
GA Bar No. 206310  
Chapter 13 Trustee  
260 Peachtree Street, NW, Suite 200  
Atlanta, GA 30303  
Telephone: 678-510-1444  
Facsimile: 678-510-1450